

Atty. Docket No. STE01 P-1097

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3636
Examiner : Stephanie Harris
Applicants : David S. Teppo et al.
Appln. No. : 09/885,877
Filing Date : June 20, 2001
Confirmation No. : 4510
For : **SHAPE-CHANGING SUPPORT, SUCH AS FOR SEATING**

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sirs:

PETITION REGARDING LOST AMENDMENT UNDER 37 CFR §1.182 AND 37 CFR §1.17(h)
AND REQUEST TO CONSIDER AMENDMENT AFTER FINAL

This petition is being sent to the Patent Office since a timely-filed Amendment After Final has apparently been lost or misplaced at the Patent Office. This facsimile is being sent to Fax Phone No. 703/872-9306 in the Group/Art Unit 3636 at the Examiner's direction. Since the application is still pending based on the Notice of Appeal filed on October 10, 2003, it is believed that the Examiner and/or her supervisor has authority to act on this petition. Briefly stated, an Amendment After Final was faxed to the Patent Office on September 18, 2003. However, as of December 3, 2003, the PAIR computer system of the Patent Office still does not list this document as being received and further a call to the Examiner confirms that she has still not received the document.

More specifically, as evidenced by the attached documents in Exhibit A, an Amendment After Final (Exhibit A-1) was faxed to the Patent Office on September 18, 2003, including a signed Certification of Facsimile Transmission and Petition for Extension of Time to Respond. An Auto Reply Facsimile Transmission (Exhibit B) was received from the United States Patent and Trademark Office on September 18, 2003 at 11:00 a.m.

A Notice of Appeal was filed on October 21, 2003 to preserve Applicants' rights and keep the present application pending while the Patent Office acted on the Amendment After Final. As of December 4, 2003, the computer system of the Patent Office still does not acknowledge that the Amendment After Final was received, and further, the Examiner indicates that she has still not seen

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any Amendment After Final nor found any indication in the Patent Office records that the Amendment After Final was received or is in process.


It is noted that the present application is still pending since a Notice of Appeal was filed on October 21, 2003, and further that extension fees have already been paid for consideration of the Amendment After Final. Accordingly, no additions are believed to be due. Nonetheless, if any additional fees are required, the Patent Office is authorized to charge the undersigned's Depository Account No. 16 2463.

REMARKS

It is noted that the present amendment was submitted after an interview and was believed to place the present application in condition for allowance. If the amendment, for some reason, is not acceptable, Applicants request that the finality of the last Office Action be withdrawn and that Applicants be given a chance to place this application in condition for allowance . . . since the Amendment After Final was timely filed with the intention of doing so.

Accordingly, reconsideration of the present application is requested in view of the Amendment After Final and entry of the Amendment After Final, and a Notice of Allowability earnestly solicited.

PRICE, HENEVELD, COOPER,
DEWITT & LITTON LLP


Daniel L. Girdwood
Registration No. 34 827
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

Dec 5, '03
Date

DLG/dlc
Attachments